

Human Resources, 532 U.S. 598 (2001) case, the Court rejected the argument that a party that has failed to secure a judgment on the merits or a court-ordered consent decree, but has nonetheless achieved the desired result because the lawsuit brought about a voluntary change (the catalyst theory) in the defendant's conduct is entitled to attorney's fees. Does the rejection of the catalyst theory of fee recovery in the Supreme Court's *Buckhannon* decision apply across-the-board to federal fee-shifting statutes? If not, to what kinds of fee-shifting statutes is it likely to apply and to what kinds is its application more doubtful?

35. Brian Wolfman, Director of the Public Citizen Litigation Group notes, "The Bush administration says that *Buckhannon* applies to [Freedom of Information Act] FOIA cases, even though Congress stated explicitly, when it enacted FOIA, that fees should be available when FOIA cases settle. The Bush Justice Department has consistently argued to expand *Buckhannon* to every pro-consumer and civil rights statute in every conceivable situation." What approach (or approaches) to statutory construction of Congressional enactment was evident in the Supreme Court's *Buckhannon* decision? How would you describe the reliance on (or lack of reliance on) legislative history in the majority's reasoning in that case? Do you believe the Bush Justice Department is applying the *Buckhannon* decision correctly?

36. From both a legal (constitutional) and practical perspective, what is your view of the trend in the federal judiciary toward releasing more of its opinions in "unpublished" form, i.e., where the relevant court accords no precedential effect to the decision for other cases?

37. Should federal judges attend seminars which are funded by private corporations (or by foundations that are funded by such corporations) that have matters of interest to the corporations before the courts?

38. Do you believe a government attorney, in a subordinate position, should be forced (under penalty of discharge) to work on a case or argue a position that he or she believes is illegal, unconstitutional or unethical? Or should government lawyers have a "right of conscience" like other professionals?

39. What kinds of participation in civic life may federal judges continue to be involved in once they assume their judicial positions?

40. How many hours or what percent of their work time do you think partners in major firms should devote to pro bono work each year?

41. How many hours on average did you bill per year as a partner and at what rates?

42. How many hours on average did you bill per year as an associate?

43. What was the nature of your pro bono work and approximately how much time per year did you devote to pro bono work?

44. Corporate attorneys and legal scholars have written books and articles decrying unethical or fraudulent billing practices in large corporate law firms. An article in the Summer 2001 *Georgetown Journal of Legal Ethics* titled *Gunderson Effect and Billable Mania: Trends in Overbilling and the Effect of New Wages states that unethical billing practices are "a pervasive problem in law firms across the country"—do you agree?*

45. Did you ever observe unethical billing practices when you were in private practice?

46. If so, what was the nature of and who were the protagonists of such practices?

I hope these questions, whether asked orally or submitted to the nominee in writing for response, spark a robust, constructive debate between the Committee members and the nominee. Such exchanges should provide the Senate and the larger public with insights

into how Judge John G. Roberts will, if confirmed as Chief Justice, perform his duties.

RECOGNIZING DR. ROBERT W.  
DARTER OF SAINT HELENA,  
CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Dr. Robert Darter of Saint Helena, California for his 40 years of public service on the Saint Helena Library Board of Trustees, making him one of the longest serving members.

A native of Northern California, Dr. Darter earned his Bachelors of Science in Public Health from the University of California at Berkeley. He received both his M.S. in Microbiology and his M.D. from Northwestern University in Chicago.

Dr. Darter has become a household name in Saint Helena. A beloved and highly revered doctor throughout the community, Dr. Darter has helped care for and protects the health of his fellow Napa Valley citizens for nearly half a century.

Despite the uncompromising and exhausting demands of his profession, Dr. Darter has continued to devote his life to the betterment of our community. He has worked with numerous organizations including the Boy Scouts of America and Kiwanis Club of Saint Helena.

For the past 40 years Dr. Darter has played an integral role on the Saint Helena Public Library's Board of Trustees, the past 29 of which he has served as Chairman. With his leadership, dedication and forward thinking personality the Saint Helena Public Library has made considerable advances, including two building expansions, the first in 1979 and the second in 1999. He is currently working to designate neighboring land for future expansion campaigns, which will enable our library to continue enriching our community with the best possible resources.

I'm sure Dr. Darter's wife, Jan, and their five children Robert, Michael, James, John and Kimberley are all extremely proud of him.

Mr. Speaker, it is appropriate that we thank Dr. Robert Darter for his years of hard work and dedication to my hometown, Saint Helena. On behalf of my fellow colleagues I wish to extend my sincerest gratitude to Dr. Darter for all that he has done and continues to do for our community. Thank you, Dr. Darter.

HISPANIC HERITAGE MONTH

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. VAN HOLLEN. Mr. Speaker, I rise in honor of Hispanic Heritage Month and pay tribute to the extraordinary contributions that Hispanics make to America year-round. This month-long celebration begins on September 15, the anniversary of the independence of 5 Latin American countries—Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. This anniversary commemorates the day

these countries declared their independence from colonial rule, and continues to represent unity for all Latinos in the U.S. and in Latin America.

Throughout the month we celebrate the Hispanic community and pause to reflect on Hispanic values—faith, family, and patriotism. These values are American values. The Hispanic dream—the hope of a better future—is the American dream. There are more than 41 million Hispanic-Americans, and their hard work, deep faith and closely-knit families have made America a better and stronger country. As a Nation, we must advance initiatives that support empowerment and opportunity for all.

During this month, I am pleased to recognize the efforts of groups in Maryland's Eighth Congressional District that work to enrich the lives of Hispanic-Americans. An example of one such group is CASA de Maryland. The Ford Foundation and the National Council of La Raza, NCLR named CASA de Maryland "Affiliate of the Year" in recognition of its hard work and dedication to providing services that improve the lives of Latinos and others in Montgomery and Prince George's Counties.

As we honor the achievements of Hispanics, we know that celebrating the Hispanic community for one month a year is not enough. All Latinos deserve a real opportunity to achieve the American dream, whether they have been here for generations or have just arrived on our shores.

IN HONOR OF THE 3RD ANNUAL  
HISPANIC HERITAGE DINNER  
AND DANCE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. HIGGINS. Mr. Speaker, on Saturday night, September 17, 2005, the 3rd Annual Hispanic Heritage Dinner and Dance will take place. I would like to congratulate the three organizations that worked hard to put this dinner together, Hispanics United of Buffalo, the Hispanic Women's League, and the Latino Business Owners Association (LBOA).

Hispanics United of Buffalo has worked hard in this community, providing assistance, while instilling pride, promoting rights, and allowing people to have a chance at a better life, by offering services unheard of being offered in the Hispanic community. Such services advocated by the agency include access to proper nutrition, adequate housing, affordable health care, meaningful employment, and equal educational opportunities. Since its inception, HUB has aided the Hispanic community by being a first step into a better, more prosperous community, not just for Hispanics nor simply for the West Side but for everyone in this city and for that I commend them.

The Hispanic Women's League, was formed in 1979 by a group of women to respond to issues affecting Hispanic women in Western New York. The primary commitment of the league has been to maintain a scholarship fund established to grant financial support to Hispanic/Latina women pursuing higher education. If it were not for the efforts of this organization, the next generation of leadership for the community would not be secure, by providing a chance at higher education to youth